

## CIVIL RIGHTS COMPLAINT

42 U.S.C. § 1983

FILED

IN CLERK'S OFFICE

U.S. DISTRICT COURT E.D.N.Y.

★ MAY 06 2018 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

KENNETH D ALLEN 188793

Full name of plaintiff/prisoner ID#

Plaintiff,

JURY TRIAL DEMAND

YES  NO 

against-

Francis Roth Gerek - Anthony Russo  
Benedict Doamer - Joseph N Lomangino  
James J. Callen - J. Zivot Sgt

Enter full names of defendants

[Make sure those listed above are  
identical to those listed in Part III.]

CV 16 2399

AZRACK, J.

LINDSAY, M.

Defendants.

X

## I. Previous Lawsuits:

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes ( ) No (✓)

B. If your answer to A is yes, describe each lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

## 1. Parties to this previous lawsuit:

Plaintiffs:

Defendants:

2. Court (if federal court, name the district; if state court, name the county)

(Suffolk County)

4. Name of the Judge to whom case was assigned: HON. Timothy P. Mazzei JCC
5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)  
(Still pending)
6. Approximate date of filing lawsuit: 5/1/2016 May 1, 2016
7. Approximate date of disposition: \_\_\_\_\_

II. Place of Present Confinement: 110 Center Drive, Riverhead, NY 11901

A. Is there a prisoner grievance procedure in this institution? Yes  No

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes  No

C. If your answer is YES,

1. What steps did you take?

2. What was the result?

D. If your answer is NO, explain why not Lawsuit has no  
GRIEVANCE PROCEDURE - Happened outside of corrections

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes  No

F. If your answer is YES,

1. What steps did you take? Incident happened before  
INCORRECTION

2. What was the result?

## III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff KENNETH D ALLEN

Address 15 HARRISON AVE APT # 340 Amityville NY 11701

(In item B below, place the full name and address of each defendant.)

B. List all defendants' names and the addresses at which each defendant may be served.  
Plaintiff must provide the address for each defendant named.

1st PCT  
sector 109

Defendant No. 1

FRANCIS RATHGERER PID 34185 Det 1392  
30 YAPHANK AVE Sqd #3420  
YAPHANK NY 11980 T3

Defendant No. 2

Anthony Russo PID 40198 PO 5924  
30 YAPHANK AVE Sqd #0120  
YAPHANK NY 11980 T2

Defendant No. 3

Bridget Doerner PID 40578 - shield 0741 - PO 0310  
30 YAPHANK AVE  
YAPHANK NY 11980

Defendant No. 4

Joseph N Lomangino PID 40298 shield 6001 PO 0120  
30 YAPHANK AVE  
YAPHANK NY 11980

Defendant No. 5

James J Calle SGT 1210 120 T4  
30 YAPHANK AVE  
YAPHANK NY 11980

Defendant No. 6

5 7th St. Apt 233

1st PCT

## IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 1/2 by 11 sheets of paper as necessary.)

On September 29<sup>th</sup> approx 2pm I left my girlfriends house 97 HARRISON AVE Amityville driving to go to the nearest store. approx one minute driving down HARRISON AVE I approach a red light, at corner of HARRISON AND RT 110 in Amityville. I notice a strange vehicle behind me and driver made a gesture for me to pull over which I did immediately. Right in front of fire house on RT 110 in Amityville, two plain cloth undercover officers approached my vehicle and asked for license. I gave officer my license which was valid. plain cloth officer asked if car belonged to me and where was I going. I replied yes car is mine and going to the store. He then asked do I have anything illegal in the car. I replied no. He then asked could he search. I replied no and why. He said do I have something to hide. I stated not at all. officer then opened my door and grabbed my neck and arm squeezing my neck he pulled me from car on driver side with force. I couldnt breathe other officer handcuffed me while other searched car and stated im only cuffed for their protection. After search

Continued next

## IV. A

If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you received. Was medical treatment received?

PAGE

only busted Lip Received only A+D ointment  
no medical treatment Received

V. Relief:

State what relief you are seeking if you prevail on your complaint.

I would like defendants relieved AND TERMINATED  
From employment for corruption and unethical conduct

Compensatory Damages 800,000

I declare under penalty of perjury that on 5-3-2016, I delivered this  
(Date)  
complaint to prison authorities to be mailed to the United States District Court for the Eastern  
District of New York.

Signed this 3rd day of May, 2016. I declare under penalty of  
perjury that the foregoing is true and correct.

(CASE# 1-2181-15  
DOB 5-9-72

Jennifer Cole  
Signature of Plaintiff

SUFFOLK COUNTY  
Name of Prison Facility

(Docket 2015-404052  
# 540-40528  
540-40529

110 CENTER DRIVE

RIVERHEAD NY 11901

Address

138793

Prisoner ID#

CC: Suffolk County Executive  
H. Lee Dennison Building  
100 VETERANS mem Hwy #6  
Riverhead NY 11901

Continued Statement of Claim

Nothing was found. plain cloth officer put me in unmarked car and took me to precinct, while other officer drove my car to precinct. On the way there to precinct I'm in front seat and being smacked repeatedly and questioned about local incidents I had no knowledge of. The officer also asked me about guns and drugs and if I had any information about a murder. Once at the precinct my lip was busted. I told both undercover officers I had no information and why was I there. One of them came from another room and had a tiny thing wrapped in black plastic and asked me what it was and it was found in my 3rd row of my vehicle. I told him that wasn't in my car period. One hour later I'm charged with possession and a sale from a month prior to the date of this event and violation.

Not an official proceeding - unsure of undercover's names  
fire house Rt 110 and Harrison Ave corner was location  
Video surveillance possibility 9-29-15 approx 2pm. Felony  
complaint doesn't state official proceeding of traffic stop  
Unjustified use of force from vehicle - Illegal search and seizure  
No probable cause. Fabricated documents by defendants

My civil rights were violated by being physically pulled by force with a hand around my neck from my vehicle and repeatedly smacked inside the unmarked car on way to precinct. Fabricated documents used to manipulate Due process  
malicious prosecution in relation to these allegations

(John Scarglato - Assistant District Attorney (Narcotics Bureau))  
I sincerely thank you for your time and understanding in this matter.

Respectfully  
Kenneth Allen  
KENNETH ALLEN